

CUYAHOGA METROPOLITAN HOUSING AUTHORITY
INTEROFFICE MEMORANDUM

TO: **Redacted** Sergeant
FROM: Andrés González, Chief of Police
DATE: May 21, 2019
SUBJECT: COUNSELING / REINSTRUCTION



BACKGROUND

On Friday, February 22, 2019, at approximately 1833 hours, you responded to an incident involving a use of less than lethal force (ULLF) involving (former) Officer Wali Shakir.

ISSUE

While reviewing the investigation, I became aware of your actions as depicted through your body language while speaking with the subject of a use of force. Specifically, your body language which included gestures of pointing and waving your hand as you addressed the female subject, appeared to be aggressive in nature.

As a supervisor, you must remain cognizant of your actions and exercise caution that your body language is not interpreted as being disrespectful or aggressive while interacting with others. You must ensure that your actions does not diminish the esteem of our Department by presenting yourself in an unapproachable manner whether it is unintentional or not.

COUNSELING

Your actions, including verbal and non-verbal body language, must remain consistent with our Core Values. As a supervisor, you must maintain an approachable presence at all times. Your position requires a balanced and even-keeled approach in order to effectively mediate situations.

Please be mindful that your actions and responses to others will be evaluated from a position of authority. As a supervisor, you represent our Department and Agency. You must not allow your position to be overshadowed by actions that may be perceived as unprofessional.

AG

I understand this counseling and reinstruction.

Redacted

Sergeant **Redacted**

ZIMAYLR
Date

Written Statement #1

Sgt.

Redacted



Exhibit Y



CUYAHOGA METROPOLITAN HOUSING AUTHORITY POLICE DEPARTMENT



TENACITY * RESPECT * UNDERSTANDING * SERVICE * TRAINING

TO: Thomas Burdyshaw #603, Commander
FROM: **Redacted**, Sergeant

PAGE	SUBJECT	DATE
1 of 2	Incident 2019-5877/Use of Less Lethal Force #2019-018 against Rosa Elder by PO Shakir #8	07MAR19

On Friday February 22, 2019 I was assigned to 2nd Platoon Field Sergeant. At 1833 hours, I heard via the radio that Protection Officer Ramoni was calling out a disturbance in the front lobby of 1795 West 25th. Upon my arrival I observed PO's Shakir, Fattah, Sanders and Thompson standing in the front vestibule with Elder and Smiley. I went into the front lobby and had Protection Officer Ramoni come into the both to confer with him about what happened. After Ramoni told me what was going on, I went into the vestibule and attempted to confer with Elder.

As I was trying to talk to Elder, who was now sitting on the front bench as she was yelling and screaming at me that she is going to get him (Ramoni) fired, she is going to sue everyone and we are all mother fucking assholes and she didn't do anything. I told her several times to calm down and tell me what was going on. She continued to be loud and yelling, screaming and swearing at me. I then ended the conversation with her and went outside to confer with Smiley.

As I conferred with Smiley he was agitated and saying that Ramoni wouldn't let him up to Elders unit. I explained to him that I had told Ramoni to let him up via the phone and I wasn't there to know what happened. I continued to talk to Smiley who stated that he was going to his supervisors and get Ramoni fired and he (Ramni) will be getting sued for what he did and continued to yell at me about what happened.

At this time Cleveland EMS arrived on scene and transported Elder to Lutheran Hospital and Smiley left to go with her.

Prior to leaving the building Louis Nobles came up to me stating that he saw some of what happened. He explained that he seen part of the disturbance and that he saw officers trying to handcuff Elder. He looked away for a second and when he looked back he seen Elder pulling away from the officer (Shakir) and ending up on the ground.

Upon returning to Headquarters I received a call from a Craig Hatten who stated he seen what happened and he was willing to talk to me about it.

On Saturday February 23, 2019 I responded to 1795 West 25th and conferred with Hatten. Hatten stated that he seen Smiley come into the building and refused to sign in. When he was told by Ramoni that he needed to sign in he began yelling at Ramoni. He then observed Elder come down to the lobby and she also started yelling at Ramoni.

Hatten then heard Ramoni tell Smiley and Elder to go to her unit, which they refused to do and continued to yelled and scream at Ramoni in the lobby unit police Officers arrived on scene.

Hatten did complete a Voluntary Statement attesting to all the facts he told me.

Respectfully:

Redacted

Redacted

Sergeant

Written Statement #2

Sgt. *Redacted*

Exhibit Z



CUYAHOGA METROPOLITAN HOUSING AUTHORITY POLICE DEPARTMENT



TENACITY * RESPECT * UNDERSTANDING * SERVICE * TRAINING

TO: Andres Gonzalez #601, Chief of Police
FROM: Redacted Sergeant

PAGE	SUBJECT	DATE
1 of 3	Rose Elder and James Smiley/19FEB19&22FEB19/Riverview Highrise	17APR19

Sir,

On 17APR19, you directed me to submit a Form-1 regarding my knowledge and interactions with Rose Elder and James Smiley on 19FEB19 & 22FEB19 at Riverview Hi-Rise. The following is what I recall from those interactions:

February 19, 2019

On 19FEB19, I was assigned to 2ndPlatoon as a Field Sergeant. At approximately 2116 hours, I was requested by Protection Officer Ramoni to come into the lobby of 1795 West 25th St to assist him with an irate male attempting to enter the building. Upon entering the lobby I observed James Smiley standing by the rear door. I conferred with Ramoni who stated Smiley was trying to go to a unit and the leaseholder (Rose Elder) would not come down to greet him. He reported that Smiley was swearing at him and was being disrespectful.

I conferred with Smiley who stated that he is the caregiver for his wife Rosa Elder and that she doesn't need to come down to get him from the lobby. I explained to Smiley that if Elder is unable to come down to the lobby for medical reasons that she needs to be on the disabled list that is kept inside the security booth. Smiley continued to argue with me until Elder showed up in the lobby yelling that Smiley is her husband and caregiver that he is to come to her unit.

I now explained to Elder that if she is unable to come to the lobby to get him, that she needs to talk to management to get on the disabled list. Elder continued to argue with me that she doesn't

PAGE	SUBJECT	DATE
2 of 3	Rose Elder and James Smiley/19FEB19&22FEB19/Riverview Highrise	17APR19

have to do that and we are making things up. I tried several more times to explain to her the processes, which she wouldn't listen. I conferred with Smiley who stated that he is the caregiver for his wife Rosa Elder and that she doesn't need to come down to get him from the lobby. I explained to Smiley that if Elder is unable to come down to the lobby for medical reasons that she needs to be on the disabled list that is kept inside the security booth. Smiley continued to argue with me until Elder showed up in the lobby yelling that Smiley is her husband and caregiver that he is to come to her unit.

I now explained to Elder that if she is unable to come to the lobby to get him, that she needs to talk to management to get on the disabled list. Elder continued to argue with me that she doesn't have to do that and we are making things up. I tried several more times to explain to her the processes, which she refused to listen. I then advised Elder that this is the process and to talk to management again. I told Elder and Smiley to go to her unit and for Protection Officer Ramoni to issue Elder NTV's for her and Smileys actions in the lobby. I then cleared the scene.

February 22, 2019

On 22FEB19, I was assigned to 2nd platoon as a Field Sergeant. At approximately 1833 hours, I heard over the radio Protection Officer Ramoni report a disturbance occurring in the lobby of Riverview Hi-Rise. I recall hearing Protection Officer Ramoni say something to the effect that it was the same male (Smiley) from the 19FEB19 incident. I believe I asked Ramoni if it was the same male and I told him if it was; just let him go up to the apartment. I also believe I spoke with Ramoni over the telephone about this male during the incident. A few minutes later I heard more yelling and screaming over the radio and something about gun and Ramoni being scared. I started heading to Riverview Hi-Rise from the eastside and told units to step it up (immediately respond) to the building.

Upon my arrival I observed PO Fattah outside with Smiley who was handcuffed. PO's Lenz, Shakir, Sanders and Thompson were in the front vestibule with Elder who was sitting on the bench in handcuffs. I immediately went to Ramoni who was inside the security booth to find out what had happened. Ramoni explained to me that he told Smiley to have Elder come to the lobby to get him; Smiley started yelling that he is going to have his job and he is going to sue Ramoni. Ramoni then stated that as soon as Elder came to the lobby she started swearing and yelling at him also. He further stated that he had told Smiley to go to Elders unit as I instructed but Smiley and Elder refused and stayed in the lobby yelling at him. I then went to the front vestibule to confer with Elder who would not answer any of my questions and kept yelling and swearing at me.

PAGE	SUBJECT	DATE
3 of 3	Rose Elder and James Smiley/19FEB19&22FEB19/Riverview Highrise	17APR19

Elder then refused to allow me to speak to her and kept cutting me off. Elder then stated that she has high blood pressure and requested EMS. I advised officers to take the handcuffs off of Elder due to her reporting she may be suffering from medical problem from the high blood pressure and I also instructed officers to request EMS for her. At this time neither Elder nor Shakir reported that force had been used. I was under the impression that Elder had just been handcuffed and seated on the bench. I then responded outside to confer with Smiley who stated that Ramoni would not let him upstairs again and that he his Elders husband and caregiver. I asked Smiley about the high blood pressure, which he stated she does have. Smiley was not being disorderly with me so I instructed PO Fattah to remove his handcuffs.

A few minutes later while conferring with officers, I learned PO Shakir had used force against Elder in the building. I interviewed Shakir as to what happened, and he stated he was trying to handcuff Elder and she pulled away, so he took her to the ground.

Cleveland EMS arrived on scene and transported Elder to Lutheran Hospital. I instructed Shakir and Fattah to issue Smiley and Elder disorderly conduct citations and instructed them to complete a follow-up at the hospital.

Respectfully,

Redacted

Redacted

Sergeant

Report / Interview

Redacted

Sgt.

Conducted by Associate General
Counsel Jillian Eckart

Exhibit AA

On Monday, April 22, 2019, Sergeant [Redacted] was interviewed as part of an ongoing investigation regarding the Use of Less than Lethal Force and a citizen's complaint made by Ms. Rose Elder stemming from an incident that occurred on February 22, 2019 in the lobby of 1795 W. 25th St. in Cleveland. The assignment to conduct this interview was due to the familial relationship between Sergeant [Redacted] and the investigating officer handling both the Use of Force and Citizen Complaint investigations, Lieutenant Greg Drew.

Before beginning the interview, Sergeant [Redacted] acknowledged receipt of his Notice of Investigation issued to him by Chief Gonzalez. He also acknowledged his rights and responsibilities during an ongoing investigation pursuant to the collective bargaining agreement entered into between CMHA and OPBA. Prior to this meeting, the extent of Sergeant [Redacted]'s involvement in this investigation includes authoring two written reports, one on March 7, 2019 as well as one on April 17, 2019 pursuant to an order issued by Chief Gonzalez.

Additionally, Sergeant [Redacted] was initially responsible for handling the investigation into the use of less than lethal force on February 22, 2019 due to him being the responding supervisor, per police protocol. During his brief assignment of investigating the matter, he instructed all involved officers to complete written statements and he interviewed two resident witnesses: Craig Hatten and Louis Nobles. After completing these actions, he was instructed to turn all documents relating to the investigation over to Lieutenant Homerick. Sergeant [Redacted] acknowledged he was aware that surveillance video existed, but that he had not seen it in its entirety. He also had the opportunity to review both of his reports as well as Ms. Elder's citizen's complaint prior to this meeting.

The interview with Sergeant [Redacted] began with him reading through both of his written statements. He was first asked about what he could recall about his involvement, if any, on February 19, 2019 with Ms. Rose Elder and Mr. James Smiley. Sergeant [Redacted] explained that he happened to be in the area when Officer Ramoni called him for assistance with Ms. Elder and Mr. Smiley. Both Ms. Elder and Mr. Smiley were upset because Officer Ramoni required Mr. Smiley to sign in and required Ms. Elder to come down to escort Mr. Smiley up to her unit. Sergeant [Redacted] spoke with both Ms. Elder and Mr. Smiley and informed Mr. Smiley that he needed to follow the building policy and sign in. Sergeant [Redacted] recalled Ms. Elder coming down and screaming about not being able to come down and get Mr. Smiley. Sergeant [Redacted] informed Ms. Elder that if she was having difficulty coming downstairs to get him, she needed to talk to management about being put on the disabled list. Being put on this list would allow Mr. Smiley to come up to her unit unescorted. Due to Ms. Elder and Mr. Smiley not following the Building Policy, Sergeant [Redacted] instructed Officer Ramoni to issue Ms. Elder a Notice to Violator on February 19.

Next, Sergeant [Redacted] was asked to recall as much as he could about the incident on February 22, 2019. He recalled being in the area of E. 79th and Kinsman to refuel his police car when Protection Officer Ramoni's initial call for the disturbance at 1795 W. 25th came over the radio. Sergeant [Redacted] estimated that from the time of the initial call, it took him about 8-10 minutes to arrive at 1795 W. 25th. Once he heard this call over radio, he asked Officer Ramoni if the disturbance involved the same male from the incident a few days earlier on February 19, 2019.

Due to the loud noise and yelling in the background of Officer Ramoni's call for assistance, it was unclear to Sergeant [Redacted] initially if the same parties were involved. Sergeant [Redacted] wanted to keep the radio traffic clear in case another high priority call came through. Because Officer Ramoni was in an excited state, Sergeant [Redacted] was having difficulty

understanding exactly what Officer Ramoni was relaying over the radio. So Sergeant [Redacted] instructed Dispatch to have Officer Ramoni call him or that he was going to call Officer Ramoni from his cell phone. Sergeant [Redacted] could not remember with certainty if he called Officer Ramoni or if he had Officer Ramoni call him. He does remember speaking with Officer Ramoni over the phone, and during his conversation with Officer Ramoni he learned that this disturbance was involving the same male, Mr. Smiley, from February 19. Because both Mr. Smiley and Ms. Elder were already in the lobby, Sergeant [Redacted] instructed Officer Ramoni to allow Mr. Smiley to go up to Ms. Elder's unit and he was still en route. However, despite Officer Ramoni telling Mr. Smiley he could go up, both Ms. Elder and Mr. Smiley refused to go upstairs and remained in the lobby and continued to yell at Officer Ramoni.

Even after his conversation with Officer Ramoni, Sergeant [Redacted] continued to hear yelling over the radio and could tell based on the noise that the disturbance continued. During Officer Ramoni's call for assistance over the radio, Officer Ramoni held his microphone open and at one point, Sergeant [Redacted] heard something about a gun and about Officer Ramoni feeling threatened. Due to hearing the word gun, Sergeant [Redacted] ordered responding officers to "step it up" and upgraded the call to a Priority 1, meaning for officers responding to respond with lights and sirens. Sergeant [Redacted] was aware that several officers were responding to the call and he estimates he arrived about 2-3 minutes after them.

At this point in the interview, the surveillance video was played for Sergeant [Redacted] stopping at pertinent intervals. When Sergeant [Redacted] enters the building, Ms. Elder is handcuffed and being placed on the bench with several officers nearby. The time of Sergeant [Redacted]'s arrival is at 6:53pm as time stamped on the building surveillance video. Ms. Elder has already been taken to the ground. Sergeant [Redacted] was asked what his understanding at the point of his arrival was as to what just transpired. He did not know at 6:53pm that Ms. Elder had been taken to the ground. Around this time, Sergeant [Redacted] makes a "give me a second" hand motion in response to something someone says, but he could not recall who said something or what was said. He indicated that upon arrival he immediately went to speak with Officer Ramoni to learn what was going on since Officer Ramoni was the officer who had requested assistance initially. Based on the time on the surveillance video, Sergeant [Redacted] confers with Officer Ramoni for about a minute and a half. After speaking with Officer Ramoni, Sergeant [Redacted] went back into the vestibule to speak with Ms. Elder.

The video continued to be played for Sergeant [Redacted] and he was asked about the content of his interaction with Ms. Elder. Sergeant [Redacted] interacts with Ms. Elder starting around 6:55pm. He described Ms. Elder's demeanor as yelling, raising her voice, continuously swearing at him and the other officers, and threatening to sue the officers and "have their jobs." Sergeant [Redacted] was asked what he was saying back to Ms. Elder, and he responded that he was telling her to calm down, to quit swearing, and he informed her that he was trying to figure out what happened and kept asking her to just tell him what happened.

Ms. Elder never tells Sergeant [Redacted] during any of her interactions with him that an officer took her to the ground. During his interaction with Ms. Elder, Sergeant [Redacted] is pointing to the outside of the building. He believes at that point he is motioning in the direction of where Mr. Smiley was and telling Ms. Elder that they both know the building and sign-in rules because he just went over these rules with the two of them on Tuesday.

After attempting to speak with Ms. Elder, Sergeant [Redacted] then went to speak with Mr. Smiley to ascertain the situation around 6:56pm. Sergeant [Redacted] describes Mr. Smiley as calm during their conversation. Mr. Smiley complained to Sergeant [Redacted] that Officer Ramoni would

not let him up and that he is Ms. Elder's husband and caregiver. Due to Mr. Smiley's calm demeanor, Sergeant [Redacted] authorized Officer Fattah to remove Mr. Smiley's handcuffs. At no point during his conversation does Mr. Smiley indicate that Ms. Elder was taken to the ground by an officer.

Sergeant [Redacted] then goes back inside the building into the vestibule. Sergeant [Redacted] can't recall when specifically, but during his time on scene, he learns that Ms. Elder is complaining of high blood pressure. Sergeant [Redacted] orders one of the responding officers to contact EMS for Ms. Elder. Once he learns of her medical complaint, Sergeant [Redacted] also authorizes for Ms. Elder to be taken out of handcuffs. This occurs at 7:02pm as time stamped on the surveillance video. During this time in the vestibule with Ms. Elder, he is still unaware of Ms. Elder being taken to the ground.

EMS responds and transports Ms. Elder to Lutheran Hospital. Mr. Smiley leaves as well. Around 7:11pm as time stamped in the video, all of the officers step outside of the building. Sergeant [Redacted] believes this is when he asks all of the responding officers what happened and he learns that Ms. Elder was causing a disturbance. He asks if any force was used. To ensure he had an accurate comprehension of the incident, he asks again if force was used. Then, Officer Shakir reports that he did use force. As a result of Officer Shakir's response, Sergeant [Redacted] asked him what happened. Officer Shakir told Sergeant [Redacted] that he was attempting to cuff Ms. Elder due to her yelling and she moved away and he grabbed her by the arms and took her to the ground.

Once Ms. Elder was transported to the hospital, Sergeant [Redacted] ordered Officer Fattah and Officer Shakir to conduct follow-up at the hospital. When asked why Sergeant [Redacted] would assign Officer Shakir to conduct follow-up with Ms. Elder after learning he was the officer who engaged in physical contact her, he stated that he could not recall for sure, but believes it was because Officer Shakir and Officer Fattah would be the officers to author the report and would be the officers issuing Ms. Elder a ticket for Disorderly Conduct. Sergeant [Redacted] ordered Officers Fattah and Shakir to issue Ms. Elder a ticket for Disorderly Conduct.

Due to the reported use of force, and per police protocol, Sergeant [Redacted] ordered all involved officers to author written statements and he issued Notices of Investigation to them at the commencement of the use of force investigation that was later turned over to Lt. Homerick.

After review of Sergeant [Redacted]'s interview and the surveillance video, Sergeant [Redacted] was not present when officers first engaged Ms. Elder resulting in Officer Shakir taking her down to the ground. Sergeant [Redacted] arrives less than two minutes after the other officers do and walks in the building mere seconds after Ms. Elder has been taken to the ground. He is not told by anyone on scene, including by Ms. Elder herself that she was taken to the ground by an officer. He does not learn this information until after she has been transported by EMS.

Sergeant [Redacted] upgraded Officer Ramoni's call for assistance to a Priority 1 due to him hearing the word "gun" over the radio traffic as well as Officer Ramoni stating he felt threatened. The yelling continued even after he instructed Officer Ramoni to let Mr. Smiley up. Despite this, both Mr. Smiley and Ms. Elder chose to remain in the lobby and engage with Officer Ramoni. One of the resident witnesses who Sergeant [Redacted] interviewed, Craig Hatten, confirmed that Officer Ramoni did in fact relay Sergeant [Redacted]'s order to let Mr. Smiley up to Ms. Elder's unit, but they refused to do so.

Sergeant [Redacted] interacts with Ms. Elder for a few minutes while she is handcuffed. Sergeant [Redacted] describes Ms. Elder as yelling loudly, swearing at officers, and threatening that she will be suing them. Sergeant [Redacted] tells her to quit swearing and remembers telling Ms.

Elder that she and Mr. Smiley know the building rules since he just went over the rules with them a few days prior. Sergeant **Redacted** maintains that Ms. Elder does not tell him what happened, nor does she tell him that an officer took her to the ground. Sergeant **Redacted** ultimately has Ms. Elder released from handcuffs once he learns that she is complaining of a medical issue. He did this for her safety. Sergeant **Redacted** also directs an officer to contact EMS once he learns of her medical issue.



CMHA
CUYAHOGA METROPOLITAN
HOUSING AUTHORITY
POLICE DEPARTMENT



TO: *Redacted* Police Officer

FROM: William Likes #604, Commander

PAGE 1 of 1	SUBJECT DETERMINATION OF INVESTIGATION X16-0003	DATE: 01FEB16
-----------------------	---	-------------------------

DATE OF INCIDENT: 05JAN16

INVESTIGATION **REMEDIAL TRAINING**
 CLASSIFICATION:

SANCTION/S: N/A

MISCELLANEOUS: Administrative Investigation Regarding Chapter 3.22 Vehicle Pursuit

William Likes CR632
 William Likes, Commander

I acknowledge receipt of this "Investigation Determination" and understand its content.

Signature: *Redacted*
(Your signature is not an admission of agreement)

Date: 2-3-16 Time: 1545

Issuing/Witnessing Supervisor: *[Signature]*

SUPERVISOR: after execution, return this form immediately through Official Channels.

Academy / Accreditation
Training Manual
Ref: Accreditation Chapter 33



TRAINING DOCUMENTATION

Vehicle Pursuits

This is to certify that I have received a copy of and training on the following topic:

CMHA Police Department Policies & Procedures Manual Chapter 3.22 Vehicle Pursuits

SUPPLEMENTAL TRAINING ACKNOWLEDGEMENT		
NAME/BADGE #	SIGNATURE	DATE
Redacted	Redacted	03FEB16

Supervisor Issuing: _____

APPROVED: WL/CR#632 Date: 04FEB16



CMHA
CUYAHOGA METROPOLITAN HOUSING AUTHORITY
POLICE DEPARTMENT

TO: William Likes, Commander

FROM: John Smiddy, Sergeant of Community Policing and Canine Units

PAGE 1 of 2	SUBJECT Remedial Training Documentation	DATE 03FEB16
----------------	--	-----------------

On Wednesday, February 3, 2016, I was assigned as the Officer in Charge of the Community Policing Unit. I administered Remedial Training on Chapter 3.22 – Vehicle Pursuits to Police Officer **Redacted** #34 in accordance with the determination of departmental charges for investigation 16-003. The following are the facts related to the administered remedial training:

At 1530 hours, I called Police Officer **Redacted** to the Community Policing Office where I read to him the Determination of Investigation X16-003 from Commander William Likes. I advised Officer **Redacted** that as a result of the incident that occurred on Tuesday, January 5, 2016, he would be receiving documented remedial training on Chapter 3.22 – Vehicle Pursuits.

I began the training session by reviewing Chapter 3.22 – Vehicle Pursuits with Officer **Redacted**. I placed emphasis on Section I paragraph F, specifically explaining the criteria required to initiate a vehicle pursuit. In Section I paragraph F.1., the policy clearly states that *the suspect must be fleeing apprehension for an alleged dangerous felony or other exigent circumstance; and the suspect, if allowed to flee, presents an imminent danger to human life; and the immediate danger of the pursuit is less than the immediate or potential danger to the public if the suspect remains at large.* I explained that a vehicle simply being registered as stolen would not qualify as a dangerous felony or present an imminent danger to human life. Additionally, we discussed the dangers and liabilities of vehicle pursuits and how the immediate or potential danger to the public if the suspect remains at large must be considered when weighing the dangers of the chase itself.

I recommended that Officer **Redacted** better familiarize himself with all Policies and Procedures and use his knowledge of those policies to guide his future decisions in the field.

Officer **Redacted** understood and acknowledged his miscalculation of policy. He was able to recite a clear understanding of Chapter 3.22- Vehicle Pursuits upon conclusion of the training. I am confident that this session of Remedial Training was successful and will help curtail future initiated pursuits for entered vehicles by Officer **Redacted**.



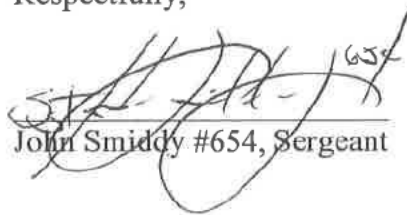
CMHA
CUYAHOGA METROPOLITAN HOUSING AUTHORITY
POLICE DEPARTMENT



PAGE 2 of 2	SUBJECT Remedial Training Documentation	DATE 03FEB16
----------------	--	-----------------

At 1545 hours, I concluded the Remedial Training by having Officer Redacted sign the Determination of Investigation X16-003, dated 01FEB16.

Respectfully,


John Smiddy #654, Sergeant

Academy / Accreditation
Training Manual
Ref: Accreditation Chapter 33




TRAINING DOCUMENTATION

Use of Force

This is to certify that I have received a copy of and training on the following topic:

CMHA Police Department Policies & Procedures Manual Chapter ⁸⁷⁷¹ ~~1.29~~ Use of Force.

SUPPLEMENTAL TRAINING ACKNOWLEDGEMENT		
NAME/BADGE #	SIGNATURE	DATE
Redacted		03JUN14

Supervisor Issuing:

 654

APPROVED: W-607 Date: 5-30-14



CMHA
CUYAHOGA METROPOLITAN
HOUSING AUTHORITY
POLICE DEPARTMENT



TO: *Redacted* Police Officer

FROM: William Likes #604, Commander

PAGE 1 of 1	SUBJECT DETERMINATION OF INVESTIGATION X14-034	DATE: 30MAY14
-----------------------	---	--------------------------------

DATE OF INCIDENT: 21JAN14

INVESTIGATION
 CLASSIFICATION: **REMEDIAL TRAINING**
 Member to receive Documented Remedial Training on
 Chapter 19 Use of Force

*PO
1-29*

SANCTION/S: N/A

MISCELLANEOUS: Citizen Complaint by Eric Christopher


William Likes
 William Likes, Commander

I acknowledge receipt of this "Investigation Determination" and understand its content.

Signature: *Redacted* Date: 6-6-14 Time: 1000
(Our signature is not an admission of agreement)

Issuing/Witnessing Supervisor: *[Signature]*

SUPERVISOR: after execution, return this form immediately through Official Channels.

Policy & Procedures Manual	Ref: Accreditation Chapter 1	
Effective Date: 01 Jan 11	Revised: May 8, 2013	
Pages: 6 (Appendix A & B)	Review Date: Annually	

CHAPTER 1.29

USE OF FORCE

PURPOSE

This policy will establish guidelines for making decisions when a subject's actions warrant the use of deadly or non-deadly force.

POLICY

The CMHAPD mandates that all Members understand and strictly comply with this policy. A reverence for human life shall guide Members in the use of force. Members shall use only the objectively reasonable force that is necessary to effectively bring an incident or subject under control while protecting the life of the Member or others. The use of excessive force shall not be tolerated. Members shall use the *Action Response Continuum* as a guideline for escalating the use of force.

DEFINITIONS:

Actively resisting means the subject is making physically evasive movements to defeat the Member's attempt at exerting control. This includes, but is not limited to, bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

Deadly force is an action likely to cause death or serious bodily harm. It may involve firearms, but it also includes any force that falls within this definition. Deadly force includes, but is not limited to, firing a weapon at or in the direction of a person, head strikes with a baton or any hard object, or using a neck restraint.

Force means any physical strike, instrumental contact with a person, or any significant physical contact that restricts movement of a person. The term includes, but is not limited to, the use of firearms, chemical spray, electrical devices, neck restraint, hard empty hands, the taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person who offers no or minimal resistance.

Non-deadly force is any use of force other than that which is considered deadly force. Non-deadly force includes any affirmative action taken by Members to control a subject. While Members of the Department may associate non-deadly force with the use of pepper spray, Taser and/or the ASP baton, non-deadly force includes, but is not limited to, the following:

1. Use of a Member's body part(s) to strike an individual;
2. Use of Department issued intermediate weapons and equipment that may be used as a weapon (i.e. portable radio or flashlight) deployed on approved body target areas;
3. Use of joint manipulation and/or pressure point techniques;
4. Striking an individual with an object other than a firearm on approved body target areas (i.e. large muscle groups);
5. Wrestling with an individual;
6. Actively holding/pinning an individual against the ground or other fixed object;
7. Any deliberate force which causes injury to another or causes another to fall, or collide with any object;
8. Use of a canine that results in a dog bite;
9. Any other physical action required to control a resistant, combative, or violent individual.

Objectively reasonable force is that level of force that is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who actually used force. Objective reasonableness is not analyzed with hindsight, but will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain and rapidly evolving situations.

Serious use of force is striking a suspect with a firearm, head strikes with a baton or hard object, or any use of force that causes serious physical harm.

Intermediate weapons are authorized, less lethal devices, approved and issued by the Department. Devices include, but are not limited to, the following: OC pepper-spray; the baton; the Taser; and the 37mm gun.

PROCEDURES

I. Responsibilities

- A. A Member's responsibility is the protection of the public. Standards for the use of force are the same on and off duty.
- B. Members may draw, display or point a weapon if, based on the circumstances at the scene, they reasonably fear that a suspect poses an immediate threat to their own safety or the safety of others.
- C. Members are presumed to understand this policy at all times. Members should immediately seek clarification to questions from a supervisor.
- D. Members shall not use deadly force that may injure or kill bystanders or hostages, except to preserve life or prevent serious bodily injury to persons at the scene.
- E. Deadly force is never justified solely to protect property.
- F. The use of force is not left to the unregulated discretion of the involved Member. The use of force is not a subjective determination but must be objectively reasonable based on the circumstances at the scene.
- G. Members shall use only that level of force reasonably necessary to protect themselves or others or to gain compliance from a combative, resistant or violent individual.
- H. Justification for the use of force is limited to the facts actually known or reasonably perceived by the Member at the moment that force is used.
- I. Deadly force shall not be used to effect an arrest or prevent the escape of a person unless that individual presents an imminent threat of death or serious bodily injury to Members or others.
- J. The use of deadly force against an escaping person may only be used where it is reasonably necessary when all the following mitigating circumstances are present:
 1. The escaping person is reasonably believed to have committed a felony offense; and
 2. The use of deadly force is necessary to protect the public from imminent threat of death or serious injury; and
 3. The escaping person has threatened the Member with a weapon or the Member has probable cause to believe that the person committed a crime involving the infliction or threatened infliction of serious physical harm; and
 4. Where practical, the Member gives the escaping person some warning of the imminent use of deadly force.

- K. Members at the scene of a police incident have an obligation to ensure that the requirements of the law and Department regulations are complied with. Members are required to maintain and ensure control of themselves or other Members if the use of force against a subject clearly becomes excessive.
- L. Members shall always consider alternative tactics to the use of force which include, but are not limited to:
 - 1. Concealment and/or cover;
 - 2. Voice commands;
 - 3. Show of force (i.e. multiple officers, intermediate weapons)
- M. Only those Members who meet Department physical and mental requirements and demonstrate proficiency shall be allowed to carry firearms and /or intermediate weapons.
- N. Members shall be trained and tested annually on the law and the Department's policy regarding the use of force, appropriate methods to effect arrests, and the apprehension of fleeing subjects. Immediate supervisors are responsible for clarifying misunderstandings associated with this order.

II. Use of force and vehicles

- A. Members are presumed to understand that vehicle stops (felony, misdemeanor, or suspicious circumstances) present tactical dilemmas and must be handled with extreme caution.
- B. Members shall not unreasonably place themselves in a position where a threat of imminent danger of death or serious physical injury is created when attempting to stop a motor vehicle or apprehend a felony suspect.
- C. Members shall employ tactics that promote safety to the officer and the public while conducting a vehicle stop.
- D. Members shall avoid standing directly in front of, behind, or beside a suspect vehicle and shall not intentionally use their body to block the suspect vehicle.
 - 1. The likelihood of injury to a Member substantially increases when using these dangerous and rarely effective tactics.
- E. Members shall adhere to all training protocols and guidelines relative to felony vehicle stops involving and armed suspects.
- F. Members shall not reach into moving vehicles or reach into vehicles with the engine running. This tactic is extremely dangerous and rarely effective.
- G. Firing at or from a moving vehicle is rarely effective and presents extreme danger to innocent persons, particularly if the Member driving the vehicle is attempting to fire a weapon. Many vehicles involved in violations of law are operated by persons whose age or reasons for fleeing do not justify the use of firearms as a means of apprehension.
- H. Members shall not intentionally fire at a moving vehicle unless:
 - 1. There is imminent danger of death or serious injury to Members or other persons;
 - 2. When other means are not available to avert or eliminate the threat; and
 - 3. Where feasible, some warning to the subject has been given.
- I. Members shall not fire at a vehicle whose occupant(s) no longer pose an imminent threat of death or serious injury to Members or other persons.
- J. Members shall not fire warning shots.

III. Action-Response Continuum

- A. Members shall remain knowledgeable with laws, training in non-deadly force, training in use of force decision-making, training and accountability to high ethical standards and an understanding of Department directives.
- B. The Action-Response Continuum guides a Member's response to a suspect's action. It does not require proceeding in a certain order.

SUSPECT ACTIONS	OFFICER RESPONSES
<p style="text-align: center;">RED</p> <p style="text-align: center;">Weapon used against Member Attempting to disarm Member Life threatening weaponless assault</p>	<p style="text-align: center;">RED</p> <p style="text-align: center;">Deadly force Neck restraint</p>
<p style="text-align: center;">ORANGE</p> <p style="text-align: center;">Striking or kicking Member</p>	<p style="text-align: center;">ORANGE</p> <p style="text-align: center;">Baton</p>
<p style="text-align: center;">YELLOW</p> <p style="text-align: center;">Wrestling or pushing Member Active physical resistance</p>	<p style="text-align: center;">YELLOW</p> <p style="text-align: center;">Striking, punching, kicking, tear gas, OC pepper-spray, electrical devices/Taser, restraints/restraint techniques</p>
<p style="text-align: center;">GREEN</p> <p style="text-align: center;">Pulling away from Member Refusing to move (dead weight) Escape</p>	<p style="text-align: center;">GREEN</p> <p style="text-align: center;">Striking muscle groups or muscle masses, take downs, joint manipulations, pressure point control</p>
<p style="text-align: center;">BLUE</p> <p style="text-align: center;">Not responding to commands Verbal or physical danger cues</p>	<p style="text-align: center;">BLUE</p> <p style="text-align: center;">Balance displacement, escort position, other Member assistance, Member presence, verbal/physical commands.</p>

- C. Members shall give consideration to the following Member/suspect factors when assessing a response within the continuum:
 - 1. Age
 - 2. Gender
 - 3. Body size
 - 4. Skill level
 - 5. Number of suspects and number of Members present at the scene
 - 6. Relative strength of suspect and Member
 - 7. Known or apparent medical condition
 - 8. Known or apparent drug/alcohol usage
- D. Members shall give consideration to special circumstances unique to each situation involving non-deadly force:
 - 1. Weapon proximity
 - 2. Injury or exhaustion
 - 3. Position (i.e., being on the ground)
 - 4. Distance from the suspect
 - 5. Special knowledge or training
 - 6. Availability of other options
 - 7. Environmental conditions
 - 8. Subject handcuffed

IV. Investigation of Deadly Force

- A. Members who discharge a firearm, either on or off duty, shall immediately contact an on duty supervisor.
- B. Members involved in a use of deadly force incident resulting in death or injury shall immediately surrender all weapons in their possession to the investigating supervisor on scene. Weapons surrendered shall be in the same condition as when the incident occurred.
- C. Members required to surrender a firearm used in a deadly force incident shall be issued a replacement.
 - 1. Members shall be responsible for the maintenance and upkeep of the replacement weapon.
- D. Supervisors shall:
 - 1. Immediately respond to the scene and take control.
 - 2. Ensure that medical care has been provided for as needed.
 - 3. Ensure that witnesses have been identified and separated.
 - 4. Ensure the local jurisdiction is immediately notified.
 - 5. Initiate the appropriate group notification to Command Staff.
 - 6. Ensure the involved Member(s) are identified and separated. Care shall be taken that each separated Member is not isolated and remain in the company of a non-involved person at all times.
 - 7. Ensure that involved Member's weapon is inspected and secured as necessary.
 - 8. Ensure that the crime scene is secure and assign a Member for maintaining a *Crime Scene Entry Log* until the local jurisdiction arrives and takes control of the scene.
- E. The OIC of the Special Investigations Unit shall conduct an internal review at the conclusion of the local jurisdiction's investigation or upon receipt of an official ruling from the prosecutor.
 - 1. The results of the internal review shall be forwarded to the Chief for a determination of any violations of written directives.

V. Administrative Leave

- A. Members who are involved in a deadly force incident shall be placed on administrative leave or assigned to an administrative function for a period of time deemed appropriate by the Chief.
 - 1. Administrative leave shall be without loss of pay pending the outcome of the investigation.
 - 2. Administrative leave shall not be interpreted to imply or indicate that the Member has acted improperly.
 - 3. The Member shall remain available at all times for official Departmental interviews and statements while on administrative leave and shall be subject to recall to duty at any time.
- B. The Member shall undergo a psychiatric evaluation and shall not return to active duty until the results of the evaluation are known and until so ordered by the Chief of Police.

VI. Investigation of Non- Deadly Force

- A. Whether or not an injury occurs, Members shall promptly request a supervisor to respond to the scene if non-deadly force is used.
 - 1. Members shall obtain necessary medical assistance for subjects appearing to be injured or complaining of injury.

2. Supervisors who observe, participate in, authorize, or are otherwise involved in the use of force shall not assume investigative responsibilities for the incident.
- B. Members shall complete the *Use of Non-Deadly Force Report (UNDF)* (Appendix A) before reporting off-duty for the shift where the force was used.
1. Members shall identify all individuals who used non-deadly force during the incident.
 2. The *Additional Officer Information Sheet* (Appendix B) shall be used when multiple Members are involved in the same incident with the same suspect.
 3. A separate UNDF report is required for each suspect involved in the same incident.
- C. Members shall complete and submit to a supervisor the following reports prior to reporting off-duty:
1. The UNDF report.
 2. A Case Report identifying potential criminal charges.
 3. A Form-1 titled "Use of Non-Deadly Force" articulating the circumstances of the incident.
- D. Supervisors shall review the reports for accuracy and completeness.
- E. Supervisors shall conduct an objective, impartial and complete investigation. The investigative packet shall include:
1. A Form-1 with a synopsis of the incident and an evaluation of the non-deadly force.
 2. A determination if the use of force was appropriate and in compliance with Department rules, policies and procedures.
 3. Copies of associated reports including the Member's original UNDF report.
 4. Interviews of the subject and all witnesses.
 5. Photos of any injury to Members, witnesses, and/or subjects.
 6. Copies of any records of medical treatment.
 7. A copy of downloaded data if an electronic control device was used.
- F. Supervisors shall forward the investigative packet through their chain of command within three (3) days of the incident.
1. Each supervisor in the chain of command shall review the investigation and assess if the force was appropriate and in compliance with Department rules, policies and procedures.
- G. The Commander shall ensure that all reports and appendices are complete and accurate and forward them to the Deputy Chief.
- H. The Deputy Chief shall review and forward the investigative packet to the Chief of Police with a recommendation and endorsement.

By order of,

Andrés González, Chief of Police



CUYAHOGA METROPOLITAN HOUSING AUTHORITY POLICE DEPARTMENT



USE OF NON DEADLY FORCE REPORT (UNDF)

SUBJECT INFORMATION:

Name: _____ Address: _____

Last Name, First Name Street City State Zip Code

Gender: Male Female Race DOB: _____ SSN: _____

Month Day Year

Buid: Muscular Thin Average Heavy Obese Height _____ Weight _____

FEET INCHES

Drugs Involved Yes No Alcohol Involved Yes No Mentally Impaired Yes No

Special Circumstances: Weapon Injury/Exhaustion Position/ Being on the Ground

Distance from Suspect _____ Special Knowledge/Prior Contact _____

OFFICER INFORMATION:

Name: _____ Badge _____ Assignment _____ Injured Yes No

Gender: Male Female Height _____ Weight _____ Age _____

FEET INCHES

SOURCE OF ASSIGNMENT: Incident/Case # _____ Date _____ Time _____ HRS

Radio Assignment Citizen Complaint On-View Other _____

AMP _____ Address/Area of Occurrence _____

WHAT PRECIPITATED ASSIGNMENT: (Check All That Apply)

Drugs Domestic Disorderly Conduct Flight Traffic Fight Crowd Control

Mental Suicidal Assault on Officer Other _____

FORCE OPTION SELECTED: (Check All That Apply)

Joint Lock Tackle Wrestle OC Spray Taser Punch Kick Baton K-9

37mm/Foam Baton or Bean Bag Other Explain: _____

ACTION RESPONSE CONTINUUM (Check All That Apply)

SUSPECT ACTIONS	OFFICER RESPONSES
RED	RED
<input type="checkbox"/> Weapon used against officer	<input type="checkbox"/> Firearm / Shotgun <input type="checkbox"/> Neck Restraint
<input type="checkbox"/> Attempting to disarm officer	<input type="checkbox"/> Head Strike with Firearm/Baton/Other Object
<input type="checkbox"/> Life threatening weaponless assault	<input type="checkbox"/> 37mm <input type="checkbox"/> Other Deadly Force
ORANGE	ORANGE
<input type="checkbox"/> Striking or Kicking Officer	<input type="checkbox"/> Baton Strikes <input type="checkbox"/> Taser <input type="checkbox"/> Other
YELLOW	YELLOW
<input type="checkbox"/> Wrestling/pushing officer	<input type="checkbox"/> Striking <input type="checkbox"/> Punching <input type="checkbox"/> Kicking <input type="checkbox"/> OC Spray
<input type="checkbox"/> Active Physical Resistance	<input type="checkbox"/> Taser <input type="checkbox"/> Baton Joint Locks <input type="checkbox"/> Restraint Hold
GREEN	GREEN
<input type="checkbox"/> Pulling Away <input type="checkbox"/> Escape Attempt	<input type="checkbox"/> Striking Muscle Mass <input type="checkbox"/> Take Downs
<input type="checkbox"/> Refusing to Move (Dead Weight)	<input type="checkbox"/> Joint Manipulations <input type="checkbox"/> Pressure Point Control
BLUE	BLUE
<input type="checkbox"/> Not Responding to Commands	<input type="checkbox"/> Balance Displacement <input type="checkbox"/> Escort Position
<input type="checkbox"/> Verbal or Physical Danger Cues	<input type="checkbox"/> Presence <input type="checkbox"/> Verbal/Physical Commands

UNDF REPORT (CONTINUED)

OC Spray: (If symptoms persist longer than 45 minutes hospital treatment is required)

Foam Fogger Stream Number of Sprays _____ Distance _____
 Subject Decontamination Yes No Fresh Air Yes No Water Yes No
 Medical Treatment Yes No EMS ER Hospital _____
 Did OC Assist w Arrest Yes No Photos Yes No

Taser: (Use on juvenile, elderly, pregnant, or disabled requires hospital treatment) (EMS required after use)

Dry Stun Darts # Shocks _____ Distance _____ Did Taser Assist w Arrest? Yes No
 Cartridge # _____ Medical Treatment Yes No EMS # _____ Hospital _____

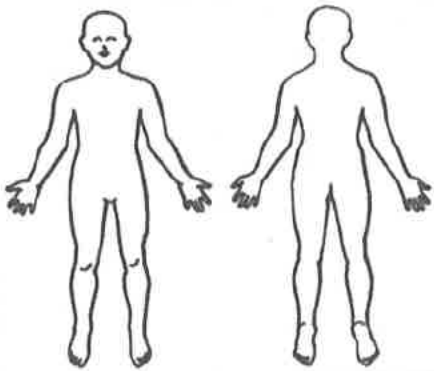
Baton/Hard Object: (Use requires hospital treatment and photos)

Head Strike Yes No (Head strikes are considered Deadly Force) UDFIT Notified Yes No N/A
 Medical Treatment Yes No EMS ER Hospital _____
 Did Baton/Hard Object Assist w Arrest? Yes No Photos Yes No

K-9 (Requires hospital treatment and photos)

Bite How many? ___ Legs Arms Hands Back Thigh/Buttocks Head/Face Other _____
 Building Search Yes No On Lead Yes No Track Yes No Handler Protection Yes No
 Fleeing Suspect Yes No Did K-9 Assist w Arrest? Yes No Photos Yes No

Impact Area (Mark Impact Area's with dark pen using the codes below)

	B Baton Strike	Suspect Injury? <input type="checkbox"/> Yes No <input type="checkbox"/> Hospital _____ Physician _____ EMS/Fire Unit _____ Photos <input type="checkbox"/> Yes No <input type="checkbox"/> Camera # ___ Picture #'s _____
	H Hand/Body Strike	Officer Injury? <input type="checkbox"/> Yes No <input type="checkbox"/> Hospital _____ Physician _____ EMS/Fire Unit _____ Photos <input type="checkbox"/> Yes No <input type="checkbox"/> Camera # ___ Picture #'s _____
D Taser Dart		
S Taser Stun	K K-9 Bite	
O Other		

OFFICER'S NAME: _____ BADGE # _____ SIGNATURE _____ DATE _____

ENDORSEMENTS / COMMENTS

 _____ Platoon/Unit OIC Signature _____ DATE _____

 _____ Commander's Signature _____ DATE _____

 _____ Deputy Chief's Signature _____ DATE _____

 _____ Chief's Signature _____ DATE _____

ATTACHMENTS: Form One CASE Report Photographs Medical Records Taser Data Investigative Packet
 Other: _____



CUYAHOGA METROPOLITAN HOUSING AUTHORITY POLICE DEPARTMENT



USE OF NON DEADLY FORCE REPORT

ADDITIONAL SUBJECT/OFFICER INFORMATION

ADDITIONAL SUBJECT INFORMATION #2

Name: _____ Address: _____
Last Name, First Name City State Zip Code

Gender: Male Female Race DOB: _____ SSN: _____
Month Day Year

Build: Muscular Thin Average Heavy Obese Height _____ Weight _____
FEET INCHES

Drugs Involved Yes No Alcohol Involved Yes No Mentally Impaired Yes No

ADDITIONAL SUBJECT INFORMATION #3

Name: _____ Address: _____
Last Name, First Name City State Zip Code

Gender: Male Female Race DOB: _____ SSN: _____
Month Day Year

Build: Muscular Thin Average Heavy Obese Height _____ Weight _____
FEET INCHES

Drugs Involved Yes No Alcohol Involved Yes No Mentally Impaired Yes No

ADDITIONAL SUBJECT INFORMATION #4

Name: _____ Address: _____
Last Name, First Name City State Zip Code

Gender: Male Female Race DOB: _____ SSN: _____
Month Day Year

Build: Muscular Thin Average Heavy Obese Height _____ Weight _____
FEET INCHES

Drugs Involved Yes No Alcohol Involved Yes No Mentally Impaired Yes No

ADDITIONAL OFFICER INFORMATION #2

Name: _____ Badge _____ Assignment _____ Injured Yes No

Gender: Male Female Height _____ Weight _____ Age _____
FEET INCHES

ADDITIONAL OFFICER INFORMATION #3

Name: _____ Badge _____ Assignment _____ Injured Yes No

Gender: Male Female Height _____ Weight _____ Age _____
FEET INCHES

ADDITIONAL OFFICER INFORMATION #4

Name: _____ Badge _____ Assignment _____ Injured Yes No

Gender: Male Female Height _____ Weight _____ Age _____
FEET INCHES



**CMHA
CUYAHOGA METROPOLITAN
HOUSING AUTHORITY
POLICE DEPARTMENT**



TO: *Redacted* Police Officer

FROM: William Likes #604, Commander

PAGE 1 of 1	SUBJECT DETERMINATION OF INVESTIGATION # X11-120	DATE: 21SEP11
-----------------------	--	-------------------------

DATE OF INCIDENT: 30JUN11

INVESTIGATION
CLASSIFICATION: **WRITTEN WARNING**

SANCTION/S: N/A

MISCELLANEOUS: Use of Non-Deadly Force against Latonya Rucker

William Likes, Commander

I acknowledge receipt of this "**Investigation Determination**" and understand its content.

Signature: *Redacted* Date: 22SEP11 Time: 2300
(Your signature is not an admission of agreement)

Issuing/Witnessing Supervisor:

SUPERVISOR: after execution, return this form immediately through Official Channels.



**CMHA
CUYAHOGA METROPOLITAN
HOUSING AUTHORITY
POLICE DEPARTMENT**



TO: Redacted Patrolman

FROM: Richard Schilling #652/ Sergeant

<small>PAGE</small> 1 of 2	<small>SUBJECT</small> DISCIPLINE WRITTEN WARNING re: Rule violation	<small>DATE</small> 05SEP11
--	--	---------------------------------------

On 30JUN11, at 2025 hours, at location 2560 Loop Ave in Cleveland, Ohio, you used non-deadly force during a traffic stop which was determined to be in violation of the CMHA Police Departments Policies and Procedures. As a result, you have been found in violation of the following: **Policies and Procedures Chapter 1.29 Members shall use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the life of the member or others. Excessive force shall not be tolerated, and, Policies and Procedures Chapter 1.29.II.B Use of Force Continuum;** and related charges of: **AO #11.B-I.B – Prohibited Conduct. THEN...** "This "WRITTEN WARNING" is disciplinary action taken against you for being in violation of the aforementioned Rules."

On 30JUN11, at 2025 hours you conducted a traffic stop, during which you used force on the suspect which was determined to be in violation of the departments use of force policy Chapter 1.29. Using force on a suspect is sometimes necessary to successfully secure a situation or provide for the officers safety, however only force that is reasonably necessary to bring an incident under control may be used by an officer. Force may not be excessive, nor punitive in nature.

The CMHA Police Department is a nationally accredited agency as a result of demonstrating professional excellence through a national law enforcement credentialing program by the Commission on Accreditation for Law Enforcement Agencies. Accreditation is a coveted award that symbolizes professionalism, excellence, and competence. The accreditation award proves that the agency is committed to maintaining compliance with a broad-based set of internationally accepted professional standards that provide a proven management system of written directives, sound training, clearly defined lines of authority and routine reports that support decision making and resource allocation for the agency.

APPROVED: WLGol Date: 9-21-11

PAGE 2 of 2	SUBJECT DISCIPLINE WRITTEN WARNING re: Rule violation	DATE 05SEP11
-----------------------	---	------------------------

Since the CMHA Police Department has been accredited by CALEA, it is in the national spotlight. Therefore, there is a broad and diverse audience scrutinizing the actions of its members. Members who demonstrate voluntary compliance with Rules, Regulations, Policies and Procedures of the Department, receive the prestige as positive role models and negate the need for discipline. Positive role models have influence to foster an atmosphere of high morale and respect from their peers and/or subordinates. High morale and mutual respect for each of the members are sensed by others, both in and outside of the police community. To this end, whether the incident was an oversight or a departure from good judgment, the Department is confident you can make the necessary adjustments to prevent a reoccurrence of incidents of this type. Any further violations of this nature will result in additional discipline being taken against you. This **"WRITTEN WARNING"** will remain in your personnel file.

By order of

[Handwritten Signature]
Richard Schilling

I acknowledge receipt of this **"DISCIPLINARY ACTION"** and understand its content.

Signature: Redacted 22SEP11 2300
(Your signature is not an admission of agreement) (Date/Time)

Signature: [Handwritten Signature] 23SEP11 0800
(Union Representative) (Date/Time)

Signature: [Handwritten Signature] 22Sep11 2300
(Issuing/Witnessing Supervisor) (Date/Time)